



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Al Larson Boat Shop

File: B-270544

Date: November 29, 1995

DECISION

Al Larson Boat Shop protests the rejection of its bid as nonresponsive by the Department of Commerce, National Oceanic & Atmospheric Administration (NOAA) under solicitation No. 51ABNA600022, for failure to sign the required Certificate of Procurement Integrity.

We dismiss the protest.

A bid is responsive as submitted when it offers to perform without exception the exact thing called for in the IFB, and acceptance of the bid will bind the contractor to perform in accordance with all the IFB's material terms and conditions. Stay, Inc., B-237073, Dec. 22, 1989, 89-2 CPD ¶ 586.

The Certificate of Procurement Integrity requirement, set forth at Federal Acquisition Regulation § 52.203-8, implements the Office of Federal Procurement Policy (OFPP) Act, 41 U.S.C. § 423, a statute which bars agencies from awarding contracts expected to exceed \$100,000 unless a bidder or offeror certifies in writing that neither it nor its employees have any information concerning violations or possible violations of the procurement integrity provisions of the OFPP Act set forth elsewhere in 41 U.S.C. § 423. Shifa Servs., Inc., 70 Comp. Gen. 502 (1991), 91-1 CPD ¶ 483. As a result of the substantial legal obligations imposed by the certification, omission from a bid of a signed Certificate of Procurement Integrity is a material deficiency requiring that the bid be rejected as nonresponsive. See FAR § 14.404-2(m); Hein-Werner Corp., 71 Comp. Gen. 421 (1992), 92-1 CPD ¶ 484; Mid East Contractors, Inc., 70 Comp. Gen. 393 (1991), 91-1 CPD ¶ 342. A nonresponsive bid may not be accepted, even if the bid would provide savings to the government, because the public interest in maintaining the integrity of the competitive bidding

process outweighs any monetary benefit to be obtained from waiving material bidding deficiencies. Sac & Fox Indus., Ltd., B-231873, Sept. 15, 1988, 88-2 CPD ¶ 250. Accordingly, Al Larson's failure to sign the certificate left the Navy no choice but to reject the company's bid.

The protest is dismissed.

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